IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 4108 of 2005

Between:

1 A. Tulja Bai W/o A. Ashok
R/o H. No. 13-3-600/A/1, Venkatesh Nagar,

,Jiaguda, Hyderabad
2 A. Rani Bai W/o A. Gopal,
R/o H. No. 13-3-600/A/1, Venkatesh Nagar,

Jiaguda, Hyderabad

..... PETITIONERS

AND

1 The Commissioner, Rajendra Nagar Municipality,

Rajendra Nagar, Ranga Reddy District
2 The Vice Chairman, Hyderabad Urban Development

Authority, Having Office at Begumpet, Hyderabad
3 M/s. Anuradha Properties and Township Pvt.,

rep by Managing Director, Sri Ramachandra Reddy,
having Office at G-1, Reliance Krishna Apartments,

Adarsh Nagar, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order, direction or a Writ particularly in the nature of Writ of Mandamus declaring that the respondents No. 1 and 2 are legally bound to close down the purposed septic tank being dig by the respondent No.3 beside the plots of the petitioner at P&T colony, Bandlaguda, RR D Consequently this Hon'ble Court may be pleased to direct the respondents 1 and 2 to immediately stop the construction work of the purposed septic tank being digged by the respondent NO.3 beside petitioner plots situated at P&T colony, Bandlaguda, RR D and pass any other order or orders as deemed fit and proper in the circumstances of the case in

the interest of justice.

Counsel for the Petitioner: MR.MOHD.MOIN AHMED QUADRI

Counsel for the Respondent No.1: MR.P.RADHAKRISHNA

Counsel for the Respondent No.2: MR.B.VISHVANTHAM

Counsel for the Respondent No.3: --

The Court at the stage of admission made the following:

ORDER:

Seeking a direction to respondent Nos.1 and 2 to close down the proposed septic tank being digged by the 3rd respondent beside the plots of the petitioners at P&T Colony, Bandlaguda, R.R.D, the present writ petition is filed.

Heard the learned counsel appearing for the petitioners and the learned standing counsel appearing for the 1st respondent.

The case of the petitioners is that the 3rd respondent is proposing to construct a septic tank beside their plots without having any approval from respondent Nos.1 and 2.

On instructions, the learned standing counsel appearing for the 1st respondent submitted that the 3rd respondent has been constructing septic tank in his premises and therefore, the petitioners cannot make a complaint against the 3rd respondent.

The 3rd respondent, being owner of his premises, has right to dig a septic tank in his premises. If any nuisance caused to the petitioners by the constructions of the 3rd respondent, they can approach Civil Court for their redressal. This Court, by invoking jurisdiction under Article 226 of Constitution of India, cannot grant relief to the petitioners.

With the above observations, the Writ Petition is dismissed. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 16.06.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner,

Rajendra Nagar Municipality,

Rajendra Nagar, R.R.D

2. The Vice Chairman,

Hyderabad Urban Development Authority,

Begumpet, Hyderabad

3. Two CD copies

4. 1 CC to MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

*Form-NIC-OGS/WP{**TRT**}*